STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

APPEAL FROM DARLINGTON COUNTY

JAMICHEAL BAXLEY, CIRCUIT JUDGE

THE STATE

RESPONDENT

V.

CHRISTOPHER JERMAINE HICKS

APPELLANT

APPELLATE CASE NO. 2014-000392

RELIEF FROM JUDGEMENT OR ORDER

Here Comes this APPELETE who file this PRO-SE Amendment and Pursuant to Rule 60(B)(2)(3)(4) In the following(S): "EXTRINSIC Fraud"

Fact's

1.) AS Pursuant as accordingly to the RULE 60(B) Subsection (2), The APPELLENT WAS PREJUDICED by the REPRESENTATION of Counsel, WANDA H. CARTER that She fail to have Presented the discrepentory Rule of DISCOVERY of evidence during the representation of APPELLANT CASE. The failure IS Shown Clearly when, the STATE Presented the INFORMATION and INDICTMENT and not ASCERTAIN by law and STATUE and it was not Shown by the record(S) that the APPELLANT had, had Prior CONVICTION of 1st 2nd(sic) or 3rd(sic) offense of Possession with intent to distribute drugs by STATUTORY STATUE. It IS the CARDINAL Rule the interpertation of a "STATUE" must be understood by it's Plain language And it is the legislature who defines a Crime not the court.

3.) The Deliberate deception of A Court and by Presentation of known false evidence is Incompatible with Rudiventary Demands of Justice. Its the Same results obtain when State although not Soliciting false evidence Allows it to go uncorrected when it APPears. The fraudlent Concealment of Prosecutor Kendall Renee Burch "Suppression of the truth with the Intent to deceive APPellant by "Statue" with artifice to defraud. "Fraud upon the Court" is a Darrin and "invidious" Species of fraud that Subverts the Integrity of the Court itself, or is a "fraud" Perpetrated by officers of the Court" So that Judical machinery Can Not Perform in the usual manner its impartial task of Adjuding Cases that are Presented for Adjudication." Like All other types of "fraud" Proving fraud upon the Court "Requires Showing" the Perpetrator Acted with the "Intent" to defraud. For "there
4.) is no Such thing as "Accidental Fraud". The Judgement In this Case Is Parrel to the United States Supreme Court's leading Fraud upon the Court case/decision which Emphasized that the Hazel-Atlas Glass Co. Hartford-Empire Co. 322 U.S. 238, 64 S.Ct 997, 88 L.Ed 1250 (1944) was not Simply A Case of a Judgement with the aid of witness, who on the basis of after discovered evidence is believed to have been Guilty of Perjury but that Court ruled And found a "deliberate" Planned and Carefully executed Scheme to defraud not only the Patent office but the Circuit Court of APPeals In this Case At bar the Darlington County Prosecutor's office and County of Darlington Sherieff office law Enforcement officers Carefully executed A "Scheme" to "defraud" not only the APPellant but the "Court" who Conspired to defraud the

Appeals Court which are institutions setup to Safeguard the Public And "Protect" Institutions for the Public" Inwhich Fraud cannot Complententlly be tolecated "Consistently" with good order of "Society" Inwhich the fabrication of evidence was Produced to influence the "magistrate Judge to warrant without a Preliminary hearing Possession with the intent to distribute marijuana Cocaine, And Cocaine base Charges" which Influenced Prosecutor Kendall burch to Seek Indictments by fraudlent means" To force Appellant to take or enter into A "involuntary Plea" which in turn caused Appellant to exercise his right to trial which he is Constitutionally Entitled See. P. 166 line 22-25 P. 167 line 1-7. Prosecutor Kendall burch Influenced trial Judge J. micheal Baxley to Sentence Appellant by Illegal and fraudlent means to Ten Years In the Department of Corrections where Appellant committed NO "Crime" let Alone the Crimes Charged by South Caroling Statue. It is the "legislature not the Court that "Defines" A Crime. See P. 176 line 16-25 - P. 177 line 1-7. There was A Roadblock at Issue" Appellant was Arrested on January 06, 2012. Resulting from a roadblock that was at the Intersection of HIGH hill Road and Potato House Road In Darlington. Cpl Local Chun-Lui of the Darlington County Sheriffs Department "Stated" that She was Assigned duties In January of 2012. And She was In Charge for CheckPoints At the time in the County which "Entails" her to decide locations And Personell that will be working those Check Points See P. 8 line 1-12 officer Chun-Lui And the State Entered Exhibit (14) (#Number) Sobriety Checkpoint Plan as evidence. See P. 15 line 1-7. See P. 18-P.20 line 1-4 officer Chun-Lui "Stated her Operational Plan was for January 27, 2012. when the Operational Plan Submitted was for June 27, 2012 At Smith Avenue At weaver Street. It is Clear that the Intent of Appellants Defense Counsel, Prosecutor Kendall burch, Trial Judge and officers of Darlington County Sheriffs office

Knowing it was not in Compliance with the law See P.168 line 9-23 And P.172 line 4-25 This Is fraud" the Court denied me to be At my Sentencing Abusing his discretion this IS Discrimination And unusual Punishment in its rarest form of InJustice by a Court Proceeding. The STATE of South Carolina Prosecutor's officer's In Darlington and It's Darlington County Sheriff's office is being upheld by the County Judges not to follow the laws Passed by the legislature or the laws of the State of South Carolina or laws which the United States Supreme Court has already ruled. See P.48 line 16-25 P.49 line 1. Also See. P.44 line 1-4. In Illinois V. Allen 397 U.S. 337 90 S.Ct 1059. It was Ruled one of the most basic of rights Guaranteed by the Confrontation Clause of the Sixth Amendment is Accused's right to be Present In Courtroom At Every Stage of his trial U.S.C.A. Constitution Amendment 6, 14. A defendant Can lose his right to be Present At trial as a result of misconduct, but the right can be reclaimed As Soon as he is willing to Conduct himself with decrom and respect in Concert of Courts And Judicial Proceedings. This was not the Case as Such," Appellant was denied An Opportunity to be heard" Jude J. Michael Baxley denied Appellant due to fraudlent Intent to deprive Appellant to be heard in Violation of Civil Rule Procedure 60(b)(3). It Is the legislature not the Court which Defines A Crime. The words used in a Statue must be given their Plain And ordinary meaning" without resort to subtle or forced Construction to limit or expand the Statues Operation. The General Provisions RULE 37. APPLICABILITY. These Rules Shall Apply to every trial Court of Criminal Jurisdiction within this State, within the limits of the Jurisdiction and the Powers of the Court Provided by law And the Procedure therein Shall Conform to these Rules insofar As Practicable. They Shall Apply Insofar as Practicable in magistrate's Courts, municipal Courts,

LEGAL

And family Courts to extent they are not Inconsistent with the Statues And Rules Governing those Courts. In any case where no Provision is made by Statue or these rules, the Procedure shall be According to the Practice As it has heretofore existed in the Courts of the State.

CITATION of Authority cite#1 Rule 609(b) Impeachment by Evidence of Conviction of Crime.

(b.) Time limit, EVIDENCE OF A CONVICTION UNDER this Rule IS NOT Admissible if a Period of more Than Ten(10) Years has Elasped since the date of the Conviction or of the release of the witness from Confinement imposed for that Conviction. whichever is the latest date, unless the Court Determines In the Interest of Justice that the Probative Value of the Conviction Supported by Specific facts and Circumstances Substantially outweish Prejudicial effect However, Evidence more than TEN(10) Years old As Calculated herein is not Admissible unless ProPent gives to the Adverse Party Sufficent Advance notice of intent to use Such evidence to Provide the Adverse Party with fair opportunity to Contest the use of Such evidence.

Prosecutor Kendall burch And Judge. J. micheal BAXley with Appellant's Conspirins Attorney "Christie Hendersonwise" Intended to deceive APPELLANT "In that Defense Counsel for APPellant failed to object that APPellant was'nt given Sufficent Advance notice of intent to use Such evidence" In which the Evidence the State Attempted to use As Prior Convictions are void And don't exist the Proof of Prior convictions that the State Attempted to use was fraudulent and even if not So See Supplemental Record on Appeal Supplied marked As Exhibit #1 It is Clear by the record this IS fraud and the APPellant in this matter is being unconstitutionally detained AGAINST his will where the Charges based AGAINST him are void. The Supplemental Evidence has nothing to do with A Prior Conviction of Possession with intent to distribute And even If So the Elasp of

Ten Years and failure to give Appellant notice would Cure the sick intent to defraud the Court and Appellant Pursuant to Rule 609(b) Also see P. 167 line 9-25. Also see P. 171 line 17-25 - P. 172 line 1-15. Appellate Defender Wanda H. Carter failed to represent Appellant" In that She Supplied mere legalistic formality representation" which IS lacking In Substance Pursuant to the Constitutional Guaranty of right to Counsel is to Protect accused from Conviction resulting from his own ignorance of his legal and Constitutional rights. Sixth Amendment rights to "notice" "Confrontation" and Compulsory Process Guarantee that A Criminal Charge may be Answered through the Calling and interrogation of favorable witness the cross-examination of Adverse witness and orderly Introduction of Evidence. "The Clerk of Appeals" Court of South Carolina had to make known to Ms. Wanda H. Carter that the record reflected "no Proof" or "Prior Convictions" Prosecutor Kendall Burch deliberately Planned and executed A Scheme not only to defraud Appellant but the Court of Appeals In that Appellate Defender Wanda H. Carter failed to represent Appellant knowing the fact the State never Produced Documents OR "Proof" of "Prior Convictions" OF Possession with Intent to distribute drugs" In which Appellant never Possessed or Intended to distribute drugs lodged Against him for Defender Wanda H. Carter to file An Anders brief Constituting fraud upon the Court because She knew and knows the Appellate Court has the Authority to Set Aside as in vacate Appellants Conviction Also Appellate Defender Wanda H. Carter failed to mention to the Courts that the Appellant Is entitled Constitutionally to have this Illegal Conviction Vacated by the Appellate Court" where the record "Clearly" reflects that Appellant never Violated the laws or committed Crimes lodged Against Nor was Evidence Presented In the record that Appellant was legally Convicted by law or Statute this

misrepresentation Is Prejudice to Appellant when Appellate Defender Wanda H. Carter knows the Charges lodged against Appellant are fraudulent and Also Wanda H. Carter Is Jeopardizing Appellant's Appeal by failure to Communicate Properly with Appellant nor has she complied with Supplying Appellant the representation She's Applying conspiringly And fraudulently in the States favor by Jeopardizing Appellants litigation In his Appeal Process by failure to Supply brady vs. Maryland material when timely requested by Appellant. The basis of this case relied very on the testimony of a witness And without there would be no Indictments. The witness on the Indictments Is Jackie Gause officer of the Darlington County Sheriffs office. Jackie Gause Submitted Incident report how She was Conducting A DUI Checkpoint And Initated a traffic Stop for not Signaling Properly See P. 94 line 9-25 - P. 95 line 1 Also see. P. 100 line 7-25. Attorney Christie wise for Appellant Defense. Gave officer Ben Weatherford An Incident report to refresh his memory on the record Inwhich exculpatory evidence. Is Apart of the Appellant's brady vs. Maryland material Pursuant to Rule(s) Discovery See. P. 116 line 21-25 - P. 117 line 1-21. Citation of Authority #2 17-13-50 - States v. States Appellant has right to be informed of Arrest; Consequences of refusal to Answer or false Answer. Officer Weatherford Stated In his Incident report and on record that Appellant was being Charged with the Allegedly found drugs.

LEGAL

NOVEL QUESTIONS OF LAW

1.) Did Appellant actually Possessed or Constructively Possessed the drugs lodged Against him? Officer Benjamin Weatherford of the Darlington County Sheriff's office testified he Searched Appellants Immediate Person and don't recall finding Anything drug related on the Appellant. See P. 116 line 21 - P. 117 line 1-3. Therefore It is recognized by the law Appellant did not In fact Possess the drugs lodged Against him. Possession of narcotics under Statue Proscribing Unlawful Possession of A narcotic drug may be Actual or Constructive.

2.) Did officer Gause Do An exploratory Search of Homeowner Sharon Windham Property? Officer Gause reported She found A Package upon looking in the trash CAN while waiting on Tand S Towing See P. 87 line 7-19 and P. 103 - P. 104 line 1-3. It Is Clear by the officers own testimony that they had A Scheme or Plan to lodge the Alleged drugs to Appellant In an Attempt to Create A Case by Case Scenario. See. P. 85 line 12-23. Jacqueline Gause of Darlington County Sheriffs office made the Statement before "we" even found the Items Appellant made Sure to Point out that "we" did not Anything on him. See P. 105 line 13-22. Officer Gause testified that She Searched And found A Package And radioed officer weatherford while he transported Appellant to the Jail VAN. Therefore It is "Clear" Appellant was not In Constructive Possession of the drugs lodged Against him nor was he in Position or had right to exercise dominion or Control over the trash CAN of homeowner Shanon Windham "who is the "legal" owner with legal right to that Property who holds legal Title" and holds Constructive Possession of the rest of of the Property described in the Title." As A matter of law."

3.) Did officer Gause get the drugs out of her vehicle or the trash can? who can Attest to that? Normal Police "Routine Procedure" Is to wear Gloves before Touching evidence.

officer Gause testified that she held the baggy of drugs by the corners without Gloves to Establish that her dna would be minimal. The Alleged drugs found was not Possessed by Appellant nor was Any drugs found on the Person of Appellant. See P. 116 line 1-25

4.) Is the Testimonly of officer Gause "Conflicting" and In "Question"? At one Point officer Gause "States" "She Put Gloves on to Avoid or Attempt to mess up evidence, See P. 28 line 9-24. Then She testifies that she ~~didn't~~ didn't have Gloves on And she held the baggy of drugs by the corner Stating She didn't want to Smudge Any DNA or finger Prints which would be her DNA And It would be minimal see P. 97 line 16-25 - P. 98 1-24.

5.) Why would officer Gause Put on Gloves After She Tainted Dicovered evidence' Then Call a Evidence officer Instead of Putting Gloves on before touching evidence? It is "Clear" That officer Gause was Concerned About her finger Prints Showing up on the baggy of drugs.

6.) On the day of January 01, 2012 was the Check Point Illegal and without Prior Approval which is Required? Or was It a Check Point where the Darlington County Sheriff's Pecial drug unit was officially Targeting Creating Case by Case Scenario's to utilize Confidental Informants. See. P. 25 line 16-25 - P. 27 line 1-21. And See the Purpose of This Check Point on P. 78 line 8-21.

Homeowner Shanon windham reported to law Enforcement that one of her Teenage sons had Picked up Styrofoam out the Yard before the left home on JANUARY 06 2012 and had Put that Strofoam "in her trash CAN" which he Picked up Around the Yard. See P. 69 line 6-13

Homeowner Shanon windham also testified that they have had law enforcement Around their Home And Suspicious Individuals Stop down by the Creek of her Home See P. 68 line 1-15. She Also testified She never SAW APPellant before See P. 64 line 17-24. P. 106 line 16-25 - P. 107 line 1-4.

Homeowner Shanon windham testified that She beleived She had Seen An ACTUAL deal take PLACE on the Shoulder OF the ROAD.

7.) Could have Homeowner Shanon windham Teenage son Accidently Picked up the Alleged Package of drugs that Someone dropped while crossing her Property and her Teenage Son unconsciencelessly Put them in the trash CAN?

It is clear from Shanon windham own Testimony that Drug ACTIVITY is Going on Around her Home.

It is the "Legislature" not" the "Court" which defines A Crime under Penal Statue. The Court (Judge J. michael BAXley) Stated he found the evidence Somewhat overwhelming "Stating" The Circumstantial evidence excludes Anyone else having ACCESS to that trash CAN and Putting drugs In there See P. 160 line 3-8. he Also "Stated" the APPellant Pulled In the BACK YARD of A house And A FAIRLY Substantial Amount of drugs was discovered In the trash CAN And the owners SAID they'd look in the trash CAN those drugs were not there. See P. 169 line 4-22 But the Homeowner Shanon windham "Stated" "She Don't remeber the exact Contents of trash CAN See P. 69 line 9-12 "Futhermore" OFFICER JACKIE GAUSE the SAME OFFICER

LEGAL

lodged drug charges against Appellant went to Homeowner Shanon Windham and Explained to her she was being Subpoena See P.108 line 1-7. This was fraudlent Intent to manipulate the Judical Process to Justify the "unreasonable Exploratory Search" of the Homeowner Shanon Windham. See P. P. 59 line 18-25. The Improper intimidation of witness Shanon Windham by the Darlington County Prosecutors office which is an entity and as such it is the Spokesman for the Goverment Substantial interference with Appellant due Process Right by the deliberate deception of the Court with the intimidation of Shanon Windham by Subpoena not giving her a free and unhampered Choice to testify under the Circumstances which must be Attributed for the Purposes to the Goverment/ State to Prejudice Appellant defense, the facts, And "Circumstances" of the Case.

8.) was the Search of Homeowner Shanon Windham trash Can a Search incident to Arrest or A Search Conducted without Prior Judical Approval requirements of a warrant / warrant to Search ? officer, Jacqueline Gause Submitted fraudlent Incident report that She had A Dui Checkpoint and Initated A traffic stop for not Signaling Properly See P. 100 line 7-24 And then She testified that She didn't see Appellant Put on a turn Signal See P. 94 line 17-25 - P. 95 line 1. officer Gause Also reported that Sergant weatherford "Seen" Appellant walking Away from the trash Can near the Side door but testified that Sergant weatherford was on Scene before She Arrived. See P. 101 line 6-21. How Could officer make An Arrest for Improper turn Signal when OFFICER Pulled Into the house first? Then radioed officer Gause She missed the driveway See P. 95 - line 2-25 - P. 96 line 1-25 - P. 97. officer weatherford testified he Approached Appellant And Placed him In handcuffs. See P. 112 line 25 - P. 113 - line 1-25 - P. 114 line 1-20 being that roadside. Safety Checks being "Custodial" In nature,

LEGAL

miranda warnings must be read to drivers of vehicles stopped for field sobriety tests" that was not such the case in this Incident. Warrantless Searches of Arrestees Are valid when Conducted Incident to a lawful(Arrest) Custodial. Appellant was unreasonable Searched And Seized And was told by officer Weatherford that he was being Charged with the Allegedly found drugs by officer Gause. See P.114 line 11-20. The Scope of A Search Incident to Arrest is "limited" to the Arrestee's Person, but extends to Area within the Appellant Immediate Control. Searches of Containers found on Appellant or within the Appellant's reach Are Valid, but once "Police" officer weatherford gained Control over Appellant's Personal Property A latter Search of the Homeowner Shanon windham Property Is unreasondble and not a lawful Search Incident to Arrest" which required A Search warrant Issued And Signed by a Judge Particarly describing, Person, Place, or things to be seized.

"It is the legislature, Not the Court, which is to Define a Crime, and ordain It's Punishment

---

Actual or Constructive Possession in Particular Circumstances. A Crime of Possession with intent to distribute under South Carolina Section Title. 44-53-370(b)(1) - 44-53-370(b)(2) 44-53-375(B)(3) Requires Proof of Possession of drugs, And. Either Actual or Constructive Possession is Sufficent to Sustain Conviction under Statues. 44-53-370(b)(1) - 44-53-370(b)(2) And 44-53-375(b)(3) The evidence lodged against Appellant was Constitionally Insufficient to Support Finding that Appellant had dominion and Control over marijuana, Cocaine, or Cocaine base" which was Allegedly found in the trash Can of Homeowner Shanon windham

LEGAL

which is not Appellant's residence. As required for Finding that Appellant had Possession of either drug and thus evidence was insufficient to support Convictions under South Carolina law for Possession with Intent to distribute Cocaine, Cocaine base, and marijuana. 44-53-370(b)(1) - 44-53-370(b)(2) - 44-53-375(b)(3)

Citation of Authorities

"Second or Subsequent offense" defined"

Pursuant. Title Section Code. 44-53-470. (A) offense is considered a (Second) or Subsequent offense. if "Prior" to his Conviction of the offense, the offender has at the time been convicted under this Article or any State or federal Statue relating to narcotic drugs, marijuana, depressant, Stimulant, or hallucinogenic drugs.

Pursuant. Title Section Code. 44-53-470(A)(2) For an offense involving marijuana Pursuant to Provisions of this Article the offender has at any time been convicted of a first, Second or Subsequent Violation of marijuana offense. Provision of this Article, or of another State or federal Statue relating to marijuana offense except A first violation of marijuana Possession Provision of this Article or of another State or federal Statue relating to marijuana.

Pursuant. Title Section Code. 44-53-470(b.) If a Person is Sentenced to Confinement as a result of Conviction Pursuant to Article, the time Period Specified In this Section begins on the date of the Conviction or on the Date the Person is released from Confinement Imposed for the Conviction, whichever is later.

Pursuant
Title Section code. 44-53-375(B)(3)

Subsection(B.) A Person who manufactures, dispenses, deliver or otherwise Aids, Abets, Attempts, or Conspires to manufacture, distribute, dispense, deliver, Purchase, or Posses with intent to distribute, dispense deliver, methamphetamine or Cocaine base, in Violation of the Provisions of Section 44-53-470, is guilty of A felony And upon Conviction.....

(3) For A third or Subsequent offense or if in the case the offender has been Convicted two or more times in the aggregate of any violation of the laws of the United States or any State, territory, or district relating to narcotic drugs, marijuana, depressant, stimulant, or hallucinogenic drugs, the offender must be imprisioned For not less than 10 years nor more than thirty years or fined not more than fifty thousand dollars or both. Possession of one or more grams of methamphetamine or Cocaine base is Prima facie evidence of violation of this Subsection. not withStanding Any other Provision of law for A first offense or Second offense may have the Sentence Suspended and Probation Granted IS eligible for Parole, Supervised furlough, Community Supervision, work release, work credits, education credits, and Good Conduct Credits, not withstanding Any other Provision of law A Person Convicted and Sentenced Pursuant to this Subsection for A third or Subsequent offense In which All "Prior" offenses were For Possession of A Controlled Substance Pursuant to Subsection(A) may have the Sentence Suspended And Probation Granted.

Pursuant. ~~The~~ Section 44-53-375(A)

Subsection(A.) A Person Possessing less than one Gram of methamphetamine, or Cocaine base, As defined in Section 110 is guilty of a misdemeanor and upon Conviction for A first offense, must be imprisoned not more than three Years or fined not more than five thousand thousand thousands, or both. For A first offense the Court, upon Appeal of the Solicitor, may require As Part of A Sentence that the offender enter and Successfully Complete A drug treatment and rehabilitation Program. For A Second offense, the offender is guilty of a Felony and upon Conviction, must be imprisoned not more than five Years or fined not more than Seven thousand five hundred dollars or both. For A third or Subsequent offense, the offender is guilty of a felony And upon Conviction, must be imprisoned not more than 4 years or fined not more than twelve thousand dollars or both. Notwithstanding any other Provision of law, A Person convicted And Sentenced Pursuant to this Subsection may have Sentence Suspended and Probation Granted And is eligible For Parole, Supervised furlough, Community Supervision, work release, work Credits education Credits, and Good conduct Credits.

It is clear by the Supplemental record Submitted in this matter the Charges lodged Against Appellant §44-53-375(B)(3) Are fraudulent and Void Also the Possession with the intent ~~to~~ Distribute marijuana, and Cocaine §44-53-370(b)(1), 44-53-370(b)(2) the "Prof" Submitted As "Prior" offenses are misdemenor Possession of Cocaine and marijuana which are not defined by South Carolina Code. Statue but misdemenor Code offense. This is besides the fact the Charges are over 10 Years old.

LEGAL

The Possession of Crack $Section Title Code 44-53-375(A) which was submitted has nothing to do with the Section title code $44-53-375(b)(3) because Appellant took an uncounseled Plea to the Possession of Crack Cocaine where the State took advantage of Appellant lack of understanding the Court Proceedings Inwhich Appellant was revoked off his bond and denied trial and Forced into Involuntary Guilty Plea to Sign a Forfeiture of funds Inexchange for his freedom. This Is A "routine Practice" of fraud displayed by the Darlington County Officers of the Court "Appellant was 22 years of age. At the time of Plea the "Darlington County" Trans Portation Picked Appellant up from Northside Institution for the Possession of Crack Cocaine Charge when Appellant was Charged with the alleged offense when Picked up on the Probation Violation. The County Clerk fail to file request of Appellant's motions to to seek resolution of the Charges See (warrants) Actual Dates.

This Is "Extrinsic Fraud" "Clearly" open the transcript of record and the "Supplement Record" which I would to add to this Amendment. when an appeal involves "Stipulated" or "undisputed" facts, An Appellate Court Is free to review whether the trial Court Properly Applied the law to those facts. The Appellate Court owes no Particular deference to trial Courts legal Conclusions. An error of law is An "Accident" in law but there is no Such thing "Accidental fraud" The responsibility for "Justice" or "wisdom" of "legislation" rests with the "legislature", and it is the Province of the Courts to "Construe", not to make the laws. The Court J. Michael Bailey "States", it's not fatal not to follow one or two of the rules thats his understanding of the law In South Carolina. See P. 48 line 19-23 Also see P. 153 line 24-25- P. 154 line 1-7.

It is clear by the testimony and Intent of Judge J. micheal Baxley he was depriving Appellant opportunity to be heard and right to be Present to Present his case Physically Present As According to the Sixth Amendment of the Constitution. See P.169 line 23-25 - P.1-5 the record or transcript reflects no misconduct on Appellant's Conduct.

The Appellant in this matter has satisfied the Appellate Court that such findings by trial Judge J. micheal Baxley Are without evidentary Support And Against Clear Preponderance of the evidence. Furthermore" Pursuant to Title Section code. 17-13-30 OFFICERS MAY Arrest without warrant for offenses Committed In View and that Is not such the Case. In this matter,

Pursuant to section Title code 17-25-10. Judgement And execution. No Person Shall be Punished until legally Convicted.

No Person Shall be Punished for and offense unless duly And legally Convicted thereof in a Court having Competent Jurisdiction of the Cause And of the Person.

It is the legislature not the Court which defines A Crime.

The Appellant in this matter request Immediate release from this Illegal unconstitutional "Fraudulent Conviction" This Is An unusal Punishment due to "Extrinsic fraud" the Judgement Pronounced by the Court Is void and Shall no longer have Application I Ask this Court to Take "Judicial notice" and Careful Care In the "Interest of "Justice" This Court has the Power to Vacate As In set/ aside, I Ask this Court to Issue order to release Appellant due to lack of Evidence and "Proof" of Alleged Crimes Charged by Statute Appellant Should never been Committed to the Department of Corrections until he was duly And legally Convicted Therefore Appellant request this Court Issue Release order.

LEGAL

18 Amendment Pages

Proof of Service

I Christopher Jermaine Hicks duly Affirm by Penalty of Perjury That I have made Available and Served Pro-se Amendment Pursuant to Rule 6(a)(b)(2)(3)(4) On South Carolina Court of Appeals, Clerk- Jenny Abbott Kizzchings Post office Box 11629 Columbia, South Carolina 29211. On this 13th day of February Prepared. For filing.

Signature [signature]
#246896 Christopher Hicks
4248 Goldmine Hwy.
Kershaw SC 29067

Sworn and subscribed before me on the 17th of February 2015.

Catherine A Omeara

[illegible]

LEGA

Febuary 13, 2015

Dear Clerk Please Find Enclosed The Prose Amendment to be filed In this Court. I would Also like to Request Clark stamped returned copies/copy of filed Subsed matter. Thank You So, Kind?!
Christopher Hicks

Note: Please take in consideration The Palmetto-13 Dorm At Kershaw Institution has been locked down on February 13, 2015 And no movement was Allowed on the Yard - monday the Sixteenth of febuary was A holiday today the 17th of febuary the Yard IS locked down Im Requesting the staff Here that my documentation be filed "verbally and written"; (Requests.) Thank You "So Kindly" Dated: Febuary 17, 2015

CHRISTOPHER HICKS
4848 Goldmine Hwy
PB-11
Kershaw SC, 29067

South Carolina Court of Appeals
Jenny Abbott Kitchings
Clerk
Post office Box 11629
Columbia, South Carolina 2921[illegible]